

July 29, 1959

OFFICE MEMORANDUM

To: Norman Smith

From: Henry Anderson

Last night (July 28, 1959), I attended a meeting of the San Joaquin County Tomato Growers Association, Northern Section, at 141 S. American Street, Stockton. I was not challenged at any time during the proceedings, nor asked to identify myself. To the best of my ability to recall, the following things were said and done in the course of the meeting.

1. Ray Roth, Regional Supervisor for the Farm Placement Service, addressed the group concerning labor prospects in the forthcoming tomato harvest. "We have no reason to believe there will be any more domestics available than we have had in the past," he said. "We have every reason to believe we will have to use about the same number of Nationals that we have used for the past several years." Mr. Roth quoted several of the Farm Placement Service's "17 points." He attributed these points to Mr. John Carr, and made no mention of Mr. Carr's previous 10-point policy directive. Mr. Roth laid heavy stress upon the Farm Placement Service's obligation to see that "no crops spoil in the fields for want of harvest labor."

2. Allyn Bainbridge, Farm Placement Representative for San Joaquin County, spoke for approximately ten minutes. He agreed with Mr. Roth's judgment that for all practical purposes, the county's tomato crop would be harvested by braceros as it has been for the past four or five years. He said, "We all know the union is operating here in Stockton, and I want to assure you that the Farm Placement Service is strictly neutral. We are neither union nor non-union." He dwelt at some length on a regulation which he said his office will be enforcing for the first time this year: namely, the requirement that Mexican Nationals be kept working approximately 40 hours a week. If they fall below this figure, he said, in accordance with Mr. Carr's recent directives, the Farm Placement Service will have to "consider the possibility that Nationals have been over-certified." He said, "It's up to you. We have no idea whether you need a man for every acre and a half, every two acres, or every two and a half acres. All we can do is take your word for it. So get out in the field, and see how your men are actually doing. Don't do the way some of you have been doing in the past: going to your labor contractor or labor camp operator and asking him, 'How many men will I need this year?' If you give them the responsibility this way, they'll overestimate the number more likely than not." (Ed. note: it is very important to observe the easy manner in which everyone connected with the bracero program accepts the fact labor contractors are running the Nationals -- even though this is directly contrary to law.)

3. William Duarte, Secretary-Manager of the San Joaquin Farm Production Association was called upon to speak next. He began by reporting on a conference



called by John E. Carr, at which Clive Knowles and others had been present. (In Ventura County?) He reported that under the "adverse effect" clause of Public Law 78, the Department of Employment, with the cooperation of the Department of Public Health, Agriculture, and Industrial Relations, is going to begin requiring that sanitary facilities be available in the fields and orchards. Mr. Duarte was nearly drowned out by the jeers and profanity of the audience, but he hastened on to assure his listeners that he was opposed to the new regulations and was simply reporting the new steps which growers would have to go through to retain their Nationals. Mr. Duarte stated, "If you guys are smart, you'll do the same thing I told my brother to do. He hit the roof when I told him about this deal, but I told him he could make it easy on himself. Just send a couple of your men out to dig a hole alongside of your field, put up a couple of two-by-fours for seats, and throw some canvas around the thing. If you don't beat them to the punch ~~with~~ that way, they're going to come out with some really fancy regulations about chemical toilets, some place to wash your hands, and everything else. If you ~~at~~ can point to the privies you have already installed, you can spike their guns. I'm not telling you how to evade the regulations, you understand. I'm just telling you how to live with them." ~~Mr. Duarte~~

Mr. Duarte then went on to say that public health officials had recommended against the continued use of a common drinking cup in the fields, and had recommended that a separate ~~container~~ drinking container be provided for each member of the crew. Once again, he was drowned out by a wave of groans and catcalls. Someone shouted, "Better provide 'em each with a jug!" Mr. Duarte said, "I don't like it one bit better than you do, but we have got to live with it. Some growers are already giving each man a canteen. Paper cups would be acceptable, but they're too darn expensive. You might be able to turn your water storage facility upside down and make a fountain instead of a spigot. Then you'd be able to get by without any drinking containers at all. What I suggest, though, is what I'm doing right now. Get a bunch of beer cans and cut the tops off them. Paint numbers on the sides. If you've got a hundred men in your field, number the cans from one to a hundred. Then put them alongside your water barrel, in a big box. You know what's going to happen as well as I do. Everybody's going to drink out of the top can in the box. But the authorities will be satisfied and that's all we're worried about."

Remark from floor: "You get us Nationals, and it'll all be worth it."

Mr. Duarte asserted, "The reason the bureaucrats have got all hot and bothered about this thing is that the Packinghouse Workers Union has gotten together a bunch of faked films. They told their paid employees to put on their old clothes, and go out in the lettuce and celery fields around Salinas and urinate on the heads of lettuce and celery. They trained their cameras on them and got all these pictures, and then they called a meeting over in Berkeley and showed the pictures, and demanded that the public health people step in. They claimed that California was shipping contaminated foodstuffs around the country."

Mr. Duarte then echoed Mr. Bainbridge's remarks concerning the importance of keeping Nationals busy. There was a question from the floor regarding the problem of keeping Nationals busy between pickings. Mr. Duarte said, "That's something for you to work out with whoever is running your National camp."

Mr. Duarte then told of the troubles he had been having with Nationals already this season. There was a strike of 200 or 300 tomato pickers in Merced County earlier in the day, which Mr. Duarte said he had settled with the assistance of Mr. Edward Hayes.



4. The meeting was then thrown open to a discussion of this season's tomato picking rate. The chairman (I didn't get his name) stated, "We aren't going to have any formal motion, and we aren't going to take a vote, because we don't set the rate. We just recommend a rate." In the informal discussion which followed, it was agreed that the rate should not be higher than 12¢ for first picking. There was considerable discussion of the procedure to be followed on second and third picking. It was the general consensus of the group that a "sliding scale" was preferable to fixed increases for later pickings. One highly vocal member of the group said, "There've been many times when my crews have been able to do better on second picking than they did on first. But they've got it in their minds that they ought to have an automatic two cents a box more, come hell or high water. I've had sit-down strikes of Nationals who were averaging 70 or 80 boxes a day, because they had been told by somebody or other that the rate on second picking would be 14¢."

The question was then raised as to whether one could pay less than 12¢. Mr. Bainbridge replied, "The law says the opening price for Nationals can't be lower than it was last year. You can pay domestics anything you want: 11¢, 10¢, 9¢. Of course, I'm not saying you can get them for that. And if you've been paying your domestics less than 12¢ a box, don't come to me and ask for Nationals, because I can't give them to you."

Someone then asked about the rules governing National crews' average earnings. Mr. Bainbridge said, "Your Nationals have to average 90¢ to \$1.00 an hour. That's a crew average. Naturally, there'll be individuals who will go below that. If you have a crew which doesn't make that average at the 12¢ rate, you will have to adjust your rate. We've been given instructions to audit your books this season, so keep your noses clean." Someone asked from the floor, "What if we get an all-lazy crew?" Mr. Bainbridge asked, in return, "Have you ever had an all-lazy crew?" The grower in question replied that he had not. Another grower then rose and said, "Two years ago, I had a crew of Nationals, and none of them would work a lick." Mr. Duarte asked him, "Well, did you have any trouble with them? Did they ask for the 90¢ an hour?" The grower said, "No." Mr. Duarte then asked, "Did you get your crop harvested on schedule?" The grower said, "Yes. I brought in another crew to work alongside of the first crew." Mr. Duarte said, "There you are. What are you complaining about?"

Mr. Duarte then launched into a lengthy discussion of the necessity to hold the line on the 12¢ rate. He said, in part, "We all know what happened last year. We were set up for an 11¢ rate. We could have held it through the season, with the labor contractors that we've been working with for years, who know what the score is. But one or two fly-by-night contractors came in and upset the apple cart. They couldn't get workers because they were new in the area, so they thought they'd attract workers by offering 12¢. Pretty soon in got around, and the rate was raised to 12¢ on all of us. Keep on top of the situation so the same thing doesn't happen to us this year."

5. Negotiations between the Tomato Growers Association and the Cannery Association were discussed. In the final meeting between representatives of the two organizations, the growers' association ~~agreed~~ had agreed to the price



set by the canners' association from the very beginning of the negotiations: \$21.50 per ton. Reactions from the audience were mixed. One grower shouted, "What's the use of having an Association, anyway?" Another asked, "Why did we ask for \$23.75, when we knew damn well we weren't going to get it? Why didn't we start out by asking for \$22.50, and sticking by it?" Still another said, "I'll believe that \$21.50 when I get it on my own piece of paper. Hell, I'd be happy to sell my tomatoes for \$20 a ton right now." Alan Jensen, ~~said~~ Executive Secretary of the Association, said, "You sign for \$20 and you'll have an injunction against you. All members' contracts have to be approved by the Association." The discussion went on for half an hour or more, without resolution.

6. There was a rather perfunctory discussion of the proposed tomato marketing order at the end of the meeting. The Association as such is supporting a marketing order which would reduce the California tonnage of canning tomatoes by about 10%. Individual members are free to support or oppose the proposal. Both sides were urged to attend the public hearing to be held in Sacramento on August 6.

Some random observations:

1. The union was barely mentioned during the course of the meeting. Nor could I detect its mention in the general buzz which preceded and followed the meeting. Neither Mr. Roth nor Mr. Bainbridge made any mention whatsoever of the union's proposed tomato wage scale. I conclude that the Agricultural Workers Organizing Committee is not taken seriously at this time by the tomato growers of San Joaquin County.

2. At no time in his discussion of the Farm Placement~~is~~ Service's requirements, did Mr. Bainbridge give any indication that the National's 90¢ per hour guarantee might apply equally to crews of domestics. I believe this is a point on which we can devastate the Farm Placement Service at a time of our choosing. It will be a simple matter to prove beyond shadow of a doubt that the Service has disregarded the provision of the law which states "reasonable efforts (shall be) made to attract domestic workers...at wages and standard hours of work comparable to those offered to foreign workers." To my knowledge, no crew of domestics working <sup>ever</sup> at piece rates in San Joaquin County -- or anywhere in California -- has been guaranteed an hourly floor.

3. Approximately 50 growers attended the meeting. I dare say several hundred growers are engaged in the commercial production of tomatoes in the Northern half of San Joaquin County. It appears that a minority is making decisions in the name of the majority. This minority seems to be composed of the most intransigent types of growers. It would be worth our while to try to ascertain whether the silent majority, which does not attend Association meetings, is more amenable to reason than the vocal minority.